

REMARKS/ARGUMENTS

The Office Action mailed February 7, 2005 has been reviewed and carefully considered. The Examiner's reconsideration is respectfully requested in view of the above amendments and the following remarks.

Claims 1, 5, 7, and 11 have been amended. Claims 1-12, 15-16, and 19-24 are pending in the present application.

Claim 7 has been objected to. Accordingly, Claim 7 has been amended to remove the extraneous “;and” therefrom, as identified by the Examiner. Thus, withdrawal of the objection is respectfully requested.

Claims 1-5, 7-11, 15, 19, and 21-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,852,565 to Demos (hereinafter “Demos”) in view of U.S. Patent No. 6,337,716 to Yim (hereinafter “Yim”). Claims 6, 12, 16, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Demos and Yim, as applied to Claims 1, 5, 7, and 11, and further in view of U.S. Patent No. 6,323,909 to Michener (hereinafter “Michener”).

It is respectfully asserted that none of the cited references teach or suggest the following limitations of amended Claims 1, 5, 7, and 11:

such that packets of the base transport bitstream are capable of being extracted based on the base PID and decoded in the subsequent MP@ML decoding process to provide an MP@ML decoded video bitstream suitable for display on standard definition television (“SDTV”) systems, and such that the packets of the base transport bitstream are capable of being extracted based on the base PID and packets of the enhancement transport bitstream are capable of being extracted based on the enhancement PID and combined in a subsequent MP@HL decoding process to provide an MP@HL decoded video bitstream suitable for display on high definition television (“HDTV”) systems.

In fact, the Examiner has even failed to address the MP@HL decoder recited in Claims 3 and 9, which included such limitation prior to this amendment.

Moreover, while Yim simply shows the presence of an MP@HL decoder, the limitations of Claims 1, 5, 7, and 11 recited above are not disclosed or suggested with respect to the same.

Accordingly, the Applicants respectfully assert that none of the cited references, either taken singly or in any combination, disclose all of the limitations recited in pending Claims 1, 5, 7, and 11 (or dependent Claims 3 and 9).

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art” (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious” (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Accordingly, independent Claims 1, 5, 7, and 11 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above.

Claims 2-5 and 21 depend directly from Claim 1 and, thus, include all of the limitations of Claim 1. Claims 6, 15-16, and 22 depend directly from Claim 5 and, thus, include all of the limitations of Claim 5. Claims 8-10, 12, and 17 depend directly from Claim 7 and, thus, include all of the limitations of Claim 7. Claims 19-20 and 24 depend directly from Claim 11 and, thus, include all of the limitations of Claim 11. Accordingly, Claims 2-5 and 21 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 1, Claims 6, 15-16, and 22 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 5, Claims 8-10, 12, and 17 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 7, and Claims 19-20 and 24 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claim 11.

Moreover, said dependent claims include patentable subject matter in and of themselves and are, thus, patentable distinct and non-obvious over the cited references in their own right. For example, Claims 3 and 9 are patentable distinct and nonobvious over the cited references in their own right, as the limitations thereof are also not disclosed or suggested in the cited references, either taken singly or in any combination.

Thus, reconsideration of the rejections is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that claims 1-12, 15-16, and 19-24 are patentable and nonobvious over the cited references. Consequently, the Applicants respectfully request reconsideration and withdrawal of the rejections and allowance of the application. Such early and favorable action is earnestly solicited.

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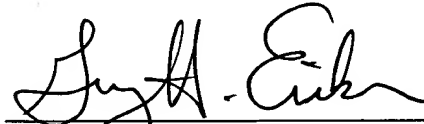
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In the event that any additional fees or charges are required at this time in connection with the application, they may be charged to Applicants' representatives Deposit Account No. 07-0832.

Respectfully submitted,

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